

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SCOTT T. HACKER, Individually and
on behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS, INC.
F/K/A FORUM MERGER III CORP., JAMES
TAYLOR, JASON LUO, DAVID
BORIS, MARSHALL KIEV, ALBERT
LI, and ROBERT SONG,

Defendants.

CIVIL ACTION NO.

2:22-cv-00545-CCC-LDW

MOTION DAY: May 2, 2022

PIERRE FONTAINE, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ELECTRIC LAST MILE SOLUTIONS,
INC. F/K/A FORUM MERGER III CORP.,
JAMES TAYLOR, JASON LUO, DAVID
BORIS, MARSHALL KIEV, ALBERT LI,
and ROBERT SONG,

Defendants.

CIVIL ACTION NO.

1:22-cv-01902

**DECLARATION OF JOSEPH N. COTILLETTA IN SUPPORT OF THE MOTION OF
PIERRE FONTAINE FOR CONSOLIDATION, APPOINTMENT AS LEAD
PLAINTIFF, AND APPROVAL OF SELECTION OF LEAD COUNSEL**

I, Joseph N. Cotilletta, declare as follows:

1. I am a member in good standing of the bar of the State of New Jersey and am admitted to practice before this Court. I am an associate at the law firm of Labaton Sucharow LLP (“Labaton Sucharow”), proposed Lead Counsel for the Class. I submit this declaration in support of the motion filed by Pierre Fontaine for the entry of an Order: (1) consolidating the above-captioned related actions pursuant to Fed. R. Civ. P. 42(a); (2) appointing Mr. Fontaine as Lead Plaintiff on behalf of the Class of all persons or entities who purchased or otherwise acquired the securities of Electric Last Mile Solutions, Inc. and/or its predecessor company Forum Merger III Corp. (“ELMS,” “FIIU,” or the “Company”) between November 12, 2020 and February 1, 2022, inclusive (the “Class Period”); (3) approving Mr. Fontaine’s selection of Labaton Sucharow as Lead Counsel for the Class; and (4) granting such other and further relief as the Court may deem just and proper.

2. Attached as Exhibits A through F are true and correct copies of the following documents:

EXHIBIT A: Signed Certification by Mr. Fontaine, pursuant to the requirements of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(2);

EXHIBIT B: Chart reflecting Mr. Fontaine’s Class Period Transactions in ELMS and/or FIIU securities and approximate losses;

EXHIBIT C: Notice of Filing of the First-Filed Securities Class Action against ELMS issued on *Business Wire*, February 3, 2022;

EXHIBIT D: Notice of Filing of Mr. Fontaine’s Securities Class Action against ELMS issued on *Business Wire*, April 4, 2022;

EXHIBIT E: Declaration of Pierre Fontaine; and

EXHIBIT F: Firm Resume of Labaton Sucharow LLP.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 4th day of April, 2022

/s/ Joseph N. Cotilletta (047092011)
Joseph N. Cotilletta